



The presence of Muslim practices in Danish court cases

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Court decisions contain testimonies in which parties describe their lives. In some cases involving Muslims, these decisions contain information on Muslim practices. Thus, court decisions are an empirical source of information, which has not yet been used systematically in the study of Islam in Denmark. It has also never been investigated how Danish courts approach cases involving Muslim practices.

Only a minority of Danish court decisions are published and publically available. This paper aims to review published Danish court decisions involving Muslims' religious and cultural practices to analyze which practices are presented to courts and how information about these practices are used by judges and parties. To find cases, databases were searched using relevant keywords. Cases without Muslim parties and cases not describing parties' religious/cultural practices were excluded. This led to the identification of 220 cases involving Muslim practices.

Results showed a clear progression. The earliest identified case was from 1976 with 93 % of cases concluded after 2000 and 25 % of all cases concluded within the years 2016-18.

A large number of Muslim practices were mentioned in a variety of court cases. The importance of these practices varied from background information with no importance for the case, to information at the center of the legal dispute. Examples of disputes presented to courts included whether tax authorities can confiscate money collected as zakat and whether court witnesses can be asked to swear on the Quran. One group of cases concerned legal disputes over mahr and other wedding gifts in which the legal understanding of the practice was critical for the case.

The review shows that a widespread use of Muslim practices are increasingly affecting all areas of Danish law. The review provides an understanding of how cases involving such practices are handled by judges and parties.

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